IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

And
THE HON'BLE MR JUSTICE M.NARAYANA REDDY

WRIT APPEAL NO : 1828 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 20/08/2004 in WP NO: 17422 OF 1994 on the file of the High Court.)

Between:

V. Tuljaram Singh (died as per LRs)

1. Smt. V. Geetha Bai,W/o. Late V. Tuljaram Singh.
   R/o. 3-1-638 & 639, Nimboliadda, kachiguda, Hyderabad.
2. V. Sudhamshu Kumar, So. Late V. Tuljaram Singh.
   R/o. 3-1-638 & 639, Nimboliadda, kachiguda, Hyderabad.

..... APPELLANTS

AND

1 The District Collector, Hyderabad District, Nampally Station Road, Hyderabad.
2 The Jt. Collector, Hyderabad, Nampally Station Road, Hyderabad.
3 The Special Deputy Collector Land Acquisition (General), Nampally, Hyderabad.
4 The Superintendent Engineer (R& B), Rural Circle Balkampet, Hyderabad.
5 The Executive R&B City Road Divn.IX Floor, Gagan Vihar, Hydeabad. (Respondents 2 to 5 are not necessary parties in the petitio
6 V. Pranav Kumar, S/o. Late V. Prahlad Singh, R/o. H.No.3-1-637, Nimboliadda, Kachiguda, Hyderabad (R6 is impleaded as per C.O. Dt. 30.6.2004-in WPMP.No. 15418/2001.

.....RESPONDENTS

Counsel for the Appellants: MR.GOURI SHANKAR SANGHI

Counsel for the Respondent Nos.1 to 5: GP FOR LAND ACQUISITION

Counsel for the Respondent No.6: Party-in-person.

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WRIT APPEAL NO :2229 of 2004

(W.A.Sr.No. 70369 of 2004)

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 30/06/2004 in WPMP. NO: 15418 OF 2001 in W.P.No.17422 of 1994 on the file of the High Court.)

Between:

V. Tuljaram Singh (died as per LRs)

1. Smt. V. Geetha Bai,
2. V. Sudhamshu Kumar
(both are R/o. 3-1-638 & 639, Nimboliadda, kachiguda, Hyderabad.

..... APPELLANTS

AND

1. V. Pranav Kumar, S/o. Late V. Prahlad Singh,
R/o. H.No.3-1-637, Nimboliadda, Kachiguda, Hyderabad.

2. The Jt. Collector, Hyderabad, Nampally Station Road, Hyderabad.

3 The Special Deputy Collector Land Acquisition (General), Nampally, Hyderabad.

4. The Superintendent Engineer (R& B), Rural Circle Balkampet, Hyderabad.

5. The Executive R&B City Road Divn.IX Floor, Gagan Vihar, Hydeabad.
(Respondents 2 to 5 are not necessary parties in the petition)

.....RESPONDENTS

Counsel for the Appellants: MR.GOURI SHANKAR SANGHI

Counsel for the Respondent Nos.1 to 5: GP FOR LAND ACQUISITION

Counsel for the Respondent No.6: Party-in-person.

WRIT APPEAL NO : 1904 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 20/08/2004 in WP NO : 17422 OF 1994 on the file of the High Court.)

Between:

1 The District Collector, Hyderabad, Nampally Station Road.
2 The Joint Collector, Hyderabad, Nampally Station Road, Hyderabad.
3 The Special Deputy Collector, Land Acquisition (General), Nampally, Hyderabad.

..... APPELLANTS

AND

1 Tulijaram Singh (died) S/o. Lahman, R/o. Nimboli Adda, Kachiguda, Hyderabad (died as per L.Rs)
Smt. V. Geeta Bai, W/o. Late Tulijaram Singh, aged about 60 Years, Occ: House Hold,
R/o. H.NO. 3-1-639, Nimboliadda, Kachiguda, HYderabad (L.R.1
2 Tulijaram Singh (died) S/o. Lahman, R/o. Nimboli Adda, Kachiguda, Hyderabad (died as per L.Rs)
V. Sudhamshiv Kumar, W/o. Late Tulijaram Singh, aged about 40 Years, Occ: Agriculture,
R/o. H.NO. 3-1-639, Nimboliadda, Kachiguda, HYderabad (L.R.2
3 The Superintending Enginner (R & B), Rural Circle, Balkampet, Hyderabad.
4 The Executive Engineer, (R & B), City Road Division, IX Floor, Gagan Vihar, Hyderabad.
5 V. Pranav Kumar, S/o. Late V. Prahalad Singh,
R/o. H.No. 3-1-637, Nimboliadda, Kachiguda, Hyderabad.

.....RESPONDENTS

Counsel for the Appellants: GP FOR LAND ACQUISITION

Counsel for the Respondent Nos.1 &2: MR.GOURI SHANKAR SANGHI

Counsel for the Respondent No.5: Party-in-person

The Court, at the stage of admission, made the following:

:ORAL COMMON JUDGMENT:

(Per: The Hon'ble the Chief Justice)

The subject matter of the three appeals is the same. The appellants in W.A.No. 1828 of 2004 had filed the writ petition—W.P.No. 17422 of 1994 seeking a direction against the respondents to declare the action of the respondents in acquiring 1400 Sq. meters of land as null and void with further direction to deliver back the physical possession of the acquired land in survey Nos. 63 and 64 now corresponding to T.S.No. 192-K-1 & 4 situated at Bagh-Lingampalli village, Musheerabad mandal to the appellants or to pay compensation claimed as per the provisions of the Land Acquisition Act.

With a view to construct a high level causeway across Musi River near Chaderghat, the respondents appear to have approached the appellants to give consent for advance possession, as the causeway was to be constructed only in the aforementioned land, consent was given on 17-05-1993. Thereafter no further action was taken by the respondents in compensating for utilization of the land. As such, the appellants filed the writ petition for the aforementioned relief. While the writ petition was pending, implead petition was filed by one V. Pranav Kumar, respondent No.6, putting forth his claim that he has title and interest in the land and is entitled for compensation of the land. His application for impleadment was allowed, despite objection raised on behalf of the appellants that respondent No.6 has got no right, title or interest in the land, in view of the will executed by the predecessor.

Learned single Judge, after noticing the fact that the possession of the land was taken in the year 1993 and steps have not been taken by the respondents for payment of compensation, held that it was a case where person interested had been deprived of his land without due process of law. Learned single Judge directed to take out appropriate proceedings for acquiring the land and with a direction to the Land Acquisition Officer to proceed to make his award in accordance with law and while doing so, reserved liberty to respondent No.6 to lay his claim before the Collector, Land Acquisition, for apportionment thereof. While disposing of the writ petition, learned single Judge imposed exemplary costs of Rs.25,000-00 on respondent Nos. 1 to 3 in the writ petition with further direction to pay an amount of Rs.1,00,000-00 (Rupees one lakh only) by way of damages for depriving the appellants/petitioners of their right to enjoy the property.

Three appeals have been preferred. First appeal is against the main order and appellants are aggrieved by the order on two grounds. First ground was that respondent No.6 could not have been reserved liberty to putforth his claim before the Collector, Land Acquisition and the remedy of respondent No.6, if any, was to file civil suit to establish his title. The second ground is for enhancement in the amounts of costs and damages. The second appeal has also been preferred by the appellants against the order of the learned single Judge in permitting respondent No.6 to be impleaded as a party respondent in the writ petition. The third appeal is by the State Government questioning the order, by which, exemplary costs and damages have been awarded.

We have heard the learned counsel for the appellants and the counsel for the respondents.

It is a case, in which, admittedly the possession was taken in the year 1993 and thereafter the State Government had failed to compensate the persons entitled to compensation. Obviously, in such like cases, the direction, which the Court is entitled to give, would be, after such possession, for taking appropriate proceedings under the Land Acquisition Act, to conclude the same and on conclusion to pay the amount of compensation in accordance with the provisions of the Land Acquisition Act, with liberty to the parties, in case, they are aggrieved by the amount of compensation, seek reference for determination of the amount of compensation. The amount of compensation to be paid along with any amount towards deprivation of any other interest, including usufruct of the land, will be duly taken care of, by the Land Acquisition Officer. For the delay in making payment of compensation, the Act too makes a provision for payment of interest and the Apex Court, has in a number of cases, held that there cannot be any direction for payment of any amount other than the amount payable under the provisions of the Act.

Insofar as the submissions made by the learned counsel for the appellants that the respondent No.6 could not have been reserved the liberty to agitate the matter before the Land Acquisition Officer, as regards the right to share in the amount of compensation or apportionment therein, his submissions are misconceived. Respondent No.6 cannot be directed to agitate his claim in a separate suit. The Act is a complete code, which takes care of all adjudications in accordance with the provisions of the Act, including adjudication as regards entitlement to the amount of compensation. As and when the Collector, Land Acquisition would find that there is a dispute as to the apportionment of compensation or any part thereof or as to the persons to whom the compensation is payable, the Collector is entitled to make reference to the Court and it is the Court, established under the Land Acquisition Act, which has to decide such

disputes on reference being made to it.

The order passed by the learned Single Judge imposing costs and damages, thus, being contrary to law, is liable to be set aside, and, the remaining part of the order of the learned single Judge requires no interference.

Consequently, W.A.No. 1904 of 2004 is allowed and the order imposing exemplary costs and damages is set aside. The other two appeals viz., W.A. No. 2229 of 2004 & W.A.No.1828 of 2004 are dismissed. No order as to costs.

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DEVINDER GUPTA, CJ

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M. NARAYANA REDDY,J

Dt. 03-12-2004

Pvks/vr

To

1 The District Collector, Hyderabad District, Nampally Station Road, Hyderabad.
2 The Joint Collector, Hyderabad, Nampally Station Road, Hyderabad.
3 The Special Deputy Collector Land Acquisition (General), Nampally,Hyderabad.
4 The Superintendent Engineer (R& B), Rural Circle Balkampet, Hyderabad.
5 The Executive R&B City Road Divn.IX Floor, Gagan Vihar, Hydeabad.
6. 2 CCs to the Government Pleader for Land Acquisition, A.P. High Court Buildings, Hyderabad.

7. 2 CDs.